

RICHARD SHELBY
ALABAMA

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SPECIAL COMMITTEE ON AGING

110 HART BUILDING
WASHINGTON, DC 20510 0103
(202) 224 5744
<http://www.senate.gov/~shelby/>
E-mail: senator@shelby.senate.gov

Director
Office of Legislative Affairs
Federal Communications Commission
Room 808
1919 M Street, N.W.
Washington, D.C. 20554

EX PARTE OR LATE FILED

MM99-25
United States Senate

WASHINGTON, DC 20510-0103

July 12, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

STATE OFFICES:

1800 FIFTH AVENUE NORTH
321 FEDERAL BUILDING
BIRMINGHAM, AL 35203
(205) 731 1381

HUNTSVILLE INTELLIGENCE
1000 GLENN HEARN BOULEVARD
BOX 20177
HUNTSVILLE, AL 35824
(256) 772 0460

113 ST. JOSEPH STREET
308 U.S. COURTHOUSE
MOBILE, AL 36602
(334) 694 4164

15 LEE STREET
828 U.S. COURTHOUSE
MONTGOMERY, AL 36104
(334) 223 7303

1118 GREENSBORO AVENUE #240
TUSCALOOSA, AL 35401
(205) 759 5047

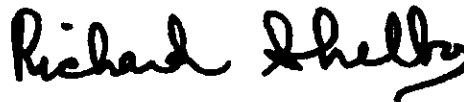
MMB
1 p. Radio
35607

Dear Director:

Enclosed please find a copy of correspondence I received from Ben K. McKinnon.

Please reply, in duplicate, to my aide, CASSONDRA COLLINS.

Sincerely,



Richard Shelby

RCS/cdc
Enclosure

No. of Copies rec'd
List ABCDE

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ALABAMA BROADCASTERS ASSOCIATION

1316 ALFORD AVENUE
SUITE 201
BIRMINGHAM, ALABAMA
35226

(205) 979-1690
(800) 211-5189
FAX (205) 979-9981

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EDUCATIONAL ADVISER
JIM JACKSON
AUBURN UNIVERSITY - AUBURN

June 25, 1999

The Honorable Richard Shelby
110 Hart Senate Office Building
Washington, DC 20510

Dear Senator Shelby,

Alabama broadcasters are being confronted with the most serious threat that our industry has ever faced and that is the ill conceived proposal by FCC Chairman Bill Kennard to drop in low power FM radio stations throughout the United States.

Technical interference from these low power drop ins will be devastating plus the absolute impossibility of any type of enforcement and the very real possibility of destroying the future of digital radio and, worst case scenario, the destruction of radio as we know it today serving the public and individual communities with news, entertainment and public service programming.

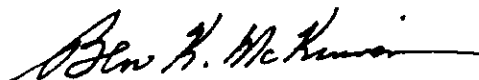
At our Washington dinner on March 9, we indicated to the Alabama delegation our strong opposition to this incredible proposal. FCC comment deadline from broadcasters has been extended until August 2nd in order to allow the completion and evaluation of technical interference.

We are enclosing a copy of the ABA position and would greatly appreciate any help that you can give us with the FCC which is already facing a great deal of congressional opposition on this matter.

Also enclosed is a copy of an editorial from a highly respected industry publication, Radio Inc, titled "William Kennard, The Man who Killed Radio ." We concur with the thoughts expressed by this publication.

Thank you for your continuing interest in the future of Alabama broadcasters and for your efforts to help us perpetuate our present system of free over-the-air radio with diversity and clarity in every community that is currently interference free and operated by responsible broadcasters.

Sincerely yours,



Ben K. McKinnon
Executive Director

BKM.cm

PUBLISHER'S NOTES

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An Obituary from the Future



OBITUARIES

William Kennard, The Man who Killed Radio

William Kennard was a kind, vibrant, bright and capable FCC commissioner whose only goal was to help minorities. Yet today, his name is spoken as a curse among them, for it was William Kennard who lured thousands of them into a building he had unwittingly set on fire.

FCC Chairman William Kennard set the building on fire when he led the charge to allot Radio spectrums for thousands of low-power "micro-radio stations" across

America. Recalling his own college Radio experience, Kennard believed that by allotting spectrums, minorities would be free to invest in their own low-power Radio stations, thereby creating thousands of new jobs within America's minority communities.

For a while, it seemed as though Kennard's dream might become reality. It was only after thousands of optimistic minority entrepreneurs had invested in these unregulated "micro-signals" that they began overlapping

one another and interfering with the traditional established signals that had previously been the backbone of broadcasting.

Yes, there once was a day when the average Radio signal could be heard across an entire city, allowing motorists to listen to the station of their choice as they drove from place to place. Radio died at the hand of a kind man, a good man, a man who wanted only to help. But that doesn't make it any less dead.



Radio is asleep while the most dangerous ruling in its history is about to be adopted by the FCC, with all four commissioners and its chairman in complete agreement. If broadcasters don't act quickly, the commission will soon vote to allow unlimited numbers of "neighborhood" Radio stations across every city in America to begin broadcasting with a one- to five-mile signal. Radio, as we know it, will become unlistenable in your town.

Micro-radio will create havoc and interference on existing local Radio frequencies in every American community, disrupting the community service, news, information and entertainment programming upon which millions of consumers depend. Like Commissioner Kennard, I would like to see increased minority ownership in Radio, but the creation of unlimited numbers of micro-stations is definitely not the answer.



Your station MUST encourage listeners to send letters to Congress and the White House — which, by the way, supports Kennard — and to each FCC commissioner, stating it will not tolerate the destruction of its Radio service by micro-radio.

You must speak to your congressional representative about how dangerous and damaging this well-intentioned ruling would be. Your signal, your business and your future depend on your ability to get very angry before it is too late — before Bill Kennard is known for being the man who killed Radio.

Eric

B Eric Rhoads, Publisher

To receive our FREE RADIO INK, B. Eric Rhoads, Publisher, 200 Route 200, Suite 200, West Palm Beach, FL 33411. Phone 561-422-0770 • Fax 561-455-4970. Email: Eric@radioink.com

MICRORADIO FCC PROPOSAL

On January 28, the FCC proposed new rules that would relax the regulations to enable new broadcasters to transmit in areas from 2 to 18 miles in diameter, far smaller than the territory reached by commercial broadcasters. The new rules would permit hundreds, if not thousands, of small broadcasters to run inexpensive, low-power stations. Not only would these new stations cause great interference with existing stations, but also the FCC has no means for monitoring stations that may start out as one-watt stations but later seek to become full power stations.

The Commission is proposing to adopt two classes, of low power radio. The first, LP 1000, would allow operations with 1000 watts effective radiate power, which would provide a coverage area with a radius of approximately nine miles.

The second class, LP 100, would allow operations with up to 100 watts effective radiated power, allowing a service area of approximately 3.5 miles.

The Commission also asked if it should authorize a true micropower station class, with power levels of between 1 and 10 watts. If adopted, such stations would have a coverage area of one or two miles.

ABA's Position On Microradio

The ABA strongly opposes any further FCC action on microradio for the following important reasons.

- Adding thousands of new low-power stations to an already congested radio band would cause devastating interference to existing broadcasters, including air traffic control and emergency police and fire frequencies;
- A low-power service could jeopardize broadcasters from ever implementing digital radio technology, which depends on the existing channel allocations;
- The FCC does not have the resources to establish this new service and could face extraordinary burdens in licensing new low power stations, solving interference problems, and policing power cheaters if a low power service were established.
- The FCC should not establish an entirely new service to legitimize the pirate broadcasters who are flagrantly violating the law as it exists today.

The granting of new low power FM microradio stations would be a crippling blow to small market local community oriented broadcasters.